

By Facsimile

February 1, 2006

Hon Cheryl L. Pollak
United States District Court
Eastern District of New York
225 Cadman Plaza
Brooklyn, New York 11201

Re: Gibbons v. Riley 94 Civ 5212 (AR)(CLP)

Dear Magistrate Judge Pollak:

I write in response to a request from your chambers, to give you an update on the status of this case. As Your Honor may remember, a Settlement Agreement was signed in this case and So Ordered by Judge Ross in December, 1998. Pursuant to that Agreement, the defendant, United States Department of Education ("USED"), has been sending to members of the class notices about the proposed settlement and about USED's process of determining which class members are entitled to credit or reimbursement of collection fee overcharges. The notices informed class members that if they so requested, they could be later notified of the date of a Fairness Hearing on the final approval of the settlement.

I understand that the first round of sending notices is completed or almost complete. Several thousand people have requested notification of the date of the Fairness Hearing. Within the next month or so, the parties will request from Judge Ross a date convenient for her for the Fairness Hearing, and USED will notify this group of class members of the date.

At the close of the Fairness Hearing, we hope the Settlement will be fully approved by Judge Ross, and the case will be over. But not yet.

If the Court has any further questions, I will be happy to provide more detailed information.

Respectfully submitted,

/S/

Jane Greengold Stevens

cc: Marcia Sowles, by e mail
Fred Marinucci, by e mail